

Kentucky Gazette.

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[PER ANNUM SPECIES IN L. AM.]

NEW SERIES, No. 5. VOL. 3.

LEXINGTON, (KY.) FRIDAY EVENING, FEBRUARY 3, 1826.

WHOLE VOLUME XL

TERMS OF THE KENTUCKY GAZETTE FOR 1826.

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BY AUTHORITY.

LAW OF THE UNITED STATES, PASSED AT THE FIRST
SESSION OF THE NINETEENTH CONGRESS.

[PUBLIC—No. 2.]

AN ACT making appropriations for the payment
of the Revolutionary and other Pensioners of the
United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, respectively appropriated towards the military service of the year one thousand eight hundred and twenty six, and for the objects following, that is to say—

For the pensions to the Revolutionary Pensioners of the United States, one million three hundred and fifty two thousand seven hundred and ninety dollars

For the invalid and half pay pensioners, in addition to an unexpended balance of one hundred and fifty thousand dollars, sixty-seven thousand five hundred dollars.

For pensions to the widows and orphans, twelve thousand dollars.

Sec. 2. And be it further enacted, That the said sums, respectively, shall be paid out of any money in the Treasury not otherwise appropriated.

JOHN W. TAYLOR,

Speaker of the House of Representatives.

JOHN C. CALHOUN,

Vice-President of the United States and
President of the Senate.

APPROVED—January 18, 1826.

JOHN QUINCY ADAMS.

MR. POPE'S SPEECH.

The following is the speech delivered by Mr. POPE, at the dinner given to the Lt. Governor and the Mercer representation in the last Legislature, on the 9th instant, at Harrodsburg.

The regular toasts having been drank, and the company having heard that Mr. P. had arrived in town, on his way home, he was invited and received with much civility. And the following toast was given by the company:

“OUR GUEST, JOHN POPE, ESQ. His exertions to effect an adjustment of our difficulties, by a compromise of the dispute respecting the Judiciary, merits the approbation of the friends of peace and good order of both parties.”

Upon which Mr. Pope rose and addressed the company, in substance, as follows:

GENTLEMEN: I have accepted your obliging invitation, and reciprocate the feelings and sentiments it indicates.

I should have felt some embarrassment in attending, but for the respectful and special terms in which your invitation was given. You very properly recognize, in your invitation, the difference between us on the great question that agitates the country; but solicit me to meet you upon the ground of a compromise of our judicial troubles, without any violation of principle. Other topics connected with the occasion having been disposed of, I avail myself with pleasure of this opportunity of presenting myself before you, and of expressing my feelings and views in relation to the subject to which your invitation particularly refers. I am the more inclined to do so, that my sentiments may not be misunderstood here or elsewhere. I am not so much of a Pharisee as to be afraid to mix with publicans and sinners. You will not suppose that I mean any personal disrespect, but take it as an intimation that I consider you sinners on the great question which divides us. At this trifling crisis of our public affairs, I think we ought to commune and reason together, discard all mere party objects, and animated by no other consideration than love of country, endeavor to restore harmony and a regular administration of justice. Justice and good order are the end of civil society. I have from the commencement of this arduous struggle with openness and zeal, contested the right of the legislature to pass the re-organizing act, or to remove the Judges in any other mode, than by address or impeachment. These principles, I owe it to my own character, to the feelings of my friends and constituents, to state that I will not be provoked to abandon or violate by any denunciations or assaults upon my feelings or political standing, however wanton or malignant. I take this occasion to declare, that my efforts against the new court, were in concert with the old court men, and every proposition to end the contest, was the result of consultation with some of them. The last effort I made at the close of the session was induced by the solicitude and request of two prominent old court members of the House of Representatives; and if the bill was not precisely in the form expected, it was the best I could obtain. No new court member had any part or lot in this project until the bill was introduced by myself into Senate.

I offered it on the evening of the day before that fixed for the final adjournment of the Legislature, and despatch was indispensable to its passage through the Senate in order to produce a prolongation of the session until it could be acted on. Waste of time in discussing minor objec-

tions, or the particular phraseology of the bill, would have been fatal to the measure. It seemed to me better to leave subordinate provisions to be considered and discussed between the two houses, after the subject should be placed before the house of representatives. Confident that if both parties were willing to settle the contest with six Judges, three old and three new ones, the other features of the bill, could be so modified as to obviate all reasonable objections on both sides. The bill, as I introduced it, provided that the new court, or re-organizing act should be repealed, and the laws in force before its passage revived. It next provided, that the court of appeals, (meaning the constitutional court, as contended for by us) should consist of six judges until reduced to four by death or otherwise—no vacancy to be filled until reduced to four; and until that event the salary to be \$1,200 and afterwards \$1,500. It further expressly provided, that Boyle Owsley and Mills were to be three of the six judges. Boyle chief justice, all to be commissioned by the Governor. After it was introduced the names of the old judges were stricken out, and a pledge given by some of the Senators, friends of the Governor that the arrangement should be confirmed and contemplated in the bill.

The bill was then referred to a select committee, and that committee adopted a substitute for it, making several alterations, the most material of which were, that the salary was reduced from \$1,200 to \$1,000 the salary to commence upon the acceptance of the commissions. Both these amendments I resisted, but was overruled. Had this proposition been met in the house of representatives, in the temper and spirit of conciliation in which it was made by the Senate, this unpleasant struggle could have been ended without any violation of principle. Those who were opposed to additional judges were excusable in rejecting it at once; but the objection to the commissions I considered a mere pretence to disguise other motives. The erroneous impressions with regard to this bill have their origin in the habits of thinking among gentlemen of the bar. There were in the majority of the house of representatives many lawyers of fine and promising talents, industriously engaged in their profession. Upon first entering a legislative body they incline too much to have things done according to the forms and rules observed in courts of justice, and are from habit ready to except or demur to every bill that does not present the matter in issue—*secundum formam*, in accordance with the technical rules of the forum. The late Col. Allen was a striking example of this. He was very troublesome to the house with nice exceptions to bills for two thirds of the first session of his service in the Kentucky legislature but discovered his error and became one of the most valuable legislators of our state. Lawyers under the influence of professional habits, regard, too much, modes and forms, whereas the common sense matter of fact man and the statesman look more to practical results. We contended last year that the reorganizing act was unconstitutional and that the judges could only be removed by impeachment or address. The new court party considered the old judges out of office, and many of the old court thought so too, but that they were improperly put out. The leading objects of the old court party were to repeal the new court law, and to restore or maintain the old judges in office, in effect to resist and defeat the attempt to get clear of them in that way. The effect of this bill would have been to repeal the new court and restore the constitutional court, with six judges instead of three—the old judges to continue with the three added to them. The attempt to get clear of them would have been defeated or renounced, and abandoned by the very men who attempted to remove them. To remove all doubt of their authority with all parties, in the country, new commissions were to be given to the whole. Whether they acted under the old or new, or both, was a matter of very minor consideration; the substantial objects of the people would have been attained if satisfied with the additional judges. This bill if agreed to, would have been passed with an understanding with the Governor, that he would conform to the views of the Legislature. This informal course of settling the controversy, has its sanction in the extraordinary necessity of the case. Some may pretend they were afraid to trust the Governor; but I presume that few gentlemen of candor will seriously urge that as a ground of objection to the measure, whatever may be their opinions of the present incumbent.

It is urged by some and the position is assumed in some of the public prints, that this bill is an other reorganizing measure; that it establishes a new court. Those who take this ground are willing to misrepresent or have become converts to the new court doctrine so much controverted last summer. My bill contained no section or expression to erect a new court, but states that “The court of appeals shall consist of six judges.” This is copied from the act of ninety two, which the old court men have uniformly contended refers to and recognizes the court as created by the constitution. The new court men contended for the contrary, and those who insist, that my bill creates a new court, are converts to the new court doctrine. It is well known that from the commencement of the session, I insisted that we ought not finally to adjourn until the question was settled. I was willing to have a recess for three or four months, take the sober advice of our constituents and return to end the contest. Could I have controlled the majority of the House of Representatives in relation to the question of adjournment, I verily believe we could have obtained a majority in both houses before April next. I was not ambitious of a party triumph merely for the sake of party. No, gentlemen, I was actuated by higher and more elevated considerations. Could we have been completely successful in both Houses. I should have been

willing to have added one, or even two judges to the appellate court, that it might not have the appearance of a party tribunal. In the conflict of political parties in a state, the worst motives are often imputed to the leaders on both sides and it is but too true that they are often impelled more by selfish and ambitious views than a regard for the good of their country, but it is equally true, that the great majority of the people on both sides are honest, and no party struggle is more to be lamented, than one which identifies the Judiciary or rather the Judges, with a political party. Every friend to his country ought to make haste to end such a contest as soon as practicable. And he should close it in a manner best calculated to banish jealousies, give satisfaction to all and inspire a general confidence in the Judiciary of his country. A continuance of this struggle wounds our social felicity, relaxes respect for the laws and public authority, tends to disorder, confusion and civil commotion. There is a degree of uneasiness, anxiety and painful suspense among the people from which they ought to be relieved without delay. This angry struggle disturbs the regular business of the country; it taxes the people in various ways. Citizens of other states are deterred from settling among us, and many of our own citizens discontented with this unsettled state of things are disposed to seek a more tranquil region. Shall not minor points be waived and technical objections disregarded to redeem this people from such a calamitous condition? Both the new court and old court will progress with business in the spring. In the new court there are about six hundred causes and in the old between 2 and 300 and increasing—some appealing to one tribunal, and some to the other, and some to both—Judges and officers of inferior courts and the people divided as to the court to be obeyed. The difficulties and embarrassments must increase in proportion to the continuance of the struggle.

If there ever was a state of things, which demanded of conflicting parties a compromise with out violating any important principle to give repose to their country this is one. This is a moment when duty and patriotism require us to yield minor points and waive as far as practicable what pride of opinion and consistency cannot yield on either side—Some men are against any compromise, they must have things done precisely to their notions without regard to the opinions or notions of others. This is an unfortunate temper for members of a popular assembly—men may be too yielding or too tenacious to be safe in deliberative bodies. Great and essential principles ought not to be yielded. They should be maintained regardless of consequences—but within the pale of cardinal principles a spirit of compromise must exist or nothing can be done. Suppose in the next Legislature a part of the members should be opposed to adding a Judge, a part for adding one, a part two, and another part for adding three, and each member should pertinaciously adhere to his own opinion, the consequence would be that nothing could be effected, and the contest might be protracted for many years before a majority could be had precisely of the same opinion. The constitution of the United States, which has excited the wonder and admiration of the enlightened friends of freedom in all countries—that constitution which has given the American Republic an elevated rank in the scale of nations and is diluting its benign and animating influence among the oppressed of other countries, and awakening them to a sense of their long lost rights—that constitution which binds together twenty four states of free people, and is destined to embrace within its protecting and harmonizing influence territories now unpeopled and millions yet unborn. Yes, this magnificent instrument was the result of a compromise of opinion, interest and feeling in the most enlightened, virtuous, patriotic and august body, with Washington at their head, that ever assembled under the sun. The convention were long engaged in the mighty work impeded by contrary views, state pride and interest; they at last by mutual yielding and concession gave birth to that sheet anchor of our political safety. When about to separate it is said a distinguished member of that body whose words were those of wisdom, rose and observed to the convention that they had at last made a constitution to which every member had objections, none approved it in all its provisions, and if when they returned they urged its defects to the people, it must be rejected.

He therefore admonished his brethren to tell them it was the best that could be done. How different the conduct of the very wise men in Kentucky assembled in council in the year 1825? They spirit a compromise to give repose to the people embroiled in the most distressing contest that ever afflicted any state in this union. They object to particular parts of the bill, and yet refuse an opportunity to amend or modify the objectionable features. A member in his place read an amendment, and requested an opportunity to make it, obviate the appearance of objection in the provision about commissions, and it was refused. As I had contributed in some small degree, to make the old court party the majority, a respectful consideration of the subject, seemed to be due to me, but was certainly due to the senate who passed the measure in a spirit of conciliation. Had the proposition been met in a spirit of amity the Senate would I think have acceded to any reasonable modification rather than have incurred the responsibility of defeating it. Before I reported the bill to the House of Representatives I furnished several members with an amendment, providing in substance, that nothing in the bill should be construed to admit that the old Judges were out of office, or removed by the reorganizing act, which from conversations with some of the members of the senate I believe would have been agreed to by that body—I did not deem it important, but was desirous to have it made, to deprive the enemies of the bill of any

pretext for opposition on account of the commissions. The bill was offered and passed the Senate in haste, and there was little time and some hazard in making alterations. On the subject of compromise I must advert to the Missouri question. On the one side it was contended, that Congress had no right to impose conditions, and that Missouri must be admitted into the Union, free to exercise her sovereign will in relation to slavery. On the other side it was insisted that Congress had the right to impose them. The excitement produced by that subject must be recollected by all—after a long and angry debate, a compromise was made. Missouri admitted, and the contested principle left unsettled as before. No opinion advanced by men of good intelligence is more erroneous than that the Legislature can settle principles or questions in relation to the extent of their powers. They fall into this error, from not attending to the theory of our Government Courts of justice from the nature of their organization and duties, and their greater stability are in the habit of settling legal principles and rules of construction, to produce uniformity in inferior tribunals, and to regulate the conduct and transactions of society; but Legislative bodies who pass and repeal laws from year to year, and act under the limitations of written constitutions, can settle no principle. The practice and usage of Legislative bodies, and precedents long acquiesced in, may have an influence; but are not conclusive upon questions of constitutional power. In the American States principles are settled by the people in convention—The Legislature can in no manner annul, enlarge, abridge, or change the principles or powers established or granted, by that instrument. The people have reserved to themselves the power of altering or annulling their constitution. If the Legislature can settle a principle then the Legislature of 1824 settled the question that they had the power to pass the reorganizing act; and of course it could not be unsettled by the legislature in 1825. If the act of one legislature can control another, it proves that none can settle a question of power, and hence it follows, that so far as a question of this sort, not cognizable before the Judiciary, can be settled except in convention it must be settled by the people by force or at the polls. The resistance displayed at the elections, to the new court law, decides the question or it is not settled, and therefore it is idle to talk of settling a principle by the legislature. It is of minor importance in what way or on what terms the new court law is repealed as the settlement of the principle point is the popular decision which will deter any future legislature from renewing the reorganizing act. Unless the people change their opinion, a thing very improbable, the attempt will never again be made. This view of the subject must satisfy every man of reflection, that although one mode of repeal may be preferable to another; yet the form or manner of doing it is very immaterial as regards the settling of the principle. To undo in the best mode practicable the new court law and its consequences was the duty of the last Legislature. We have now two appellate courts neither of undisputed authority, and as to that branch of our government, we may be said to be in a state of anarchy, from which it is the duty of every member of the community, whether he be a public officer or private citizen, lend his aid to deliver the commonwealth. The nature of the emergency & the necessity of the case warrants and indeed demands, a departure from the usual forms and mode of proceeding, it is indispensable, to restore the regular action of the government. Both parties seem to consider the subject of commissioning in a different light from that in which I view it. The old court party have stronger reasons and motives for advocating new commissions, than the other side.

The Legislature are forbid to do any act in violation of the constitution, and the rest a matter of discretion and duty. Will it be seriously contended that giving new commissions to the old Judges is unconstitutional? A proposition to remove or displace with them without impeachment or address might be objected to, but to confirm them in their stations, and remove all doubt of their authority can hardly be deemed unconstitutional. If the legislature have a control over the salaries of the Judges, the provision declaring that their salaries shall commence at the acceptance of their commissions, cannot be questioned on constitutional ground. If then these provisions in the bill about commissions are not unconstitutional, whether they should be given and accepted or not is only a question of expediency. It is said however that this provision surrenders the principle in contest, that a measure which does not violate the constitution can surrender the constitution is a paradox which I leave to others to explain. If the members of the legislature, would consider, that they are not omnipotent, and have no sovereign power to add to or take from the constitution “one jot or tittle,” and that no declaration of theirs or any implication or inference furnished by their acts, can in any manner impugn or affect that sacred charter, this question would be freed from much difficulty & embarrassment. The question of constitutional power, if settled, has been settled by the people at the polls, against the reorganizing act. They send their agents to the legislature, not to settle the principle, but to correct the errors and repair the mischief done. Let us then enquire what was done? A new court of appeals was erected new Judges appointed, the salaries of the old Judges and the laws regulating their proceedings repealed, so that it was difficult if not impracticable for them to go on in the administration of justice. As a consequence of this measure, one half perhaps a majority of the people of the state, were induced to believe, and a great portion of them still believe, that the old Judges are out of office. Now, what had the sovereign of this commonwealth, who disapproved of these measures at the polls, a right to demand of their public servants? Certainly to en-

do what had been disapproved of, and to give to the old Judges new commissions is necessary to render their authority unquestionable in the public mind—and whether a majority of one half or one third believe them out of office it might be expedient to give new commissions to remove doubt and it would be the duty of the Judges to accept them if necessary to give repose to their country. In such a state of things the honest prejudices and errors of the people are entitled to consideration. The official stations of the Judges at a crisis like this, cannot release them from the performance of those duties, which in common with their fellow citizens they owe to their country. If those who had shaken the confidence of the people in the title of the Judges to office and power, were willing to restore that confidence, by furnishing them new and additional evidence of their authority, could the Judges view it as an act of disrespect, or decline to accept it, if it would give satisfaction to any portion of their countrymen. In this government all power is derived mediately or immediately from the people, and the laws and public authority are dependent on them for their maintenance and execution. It is essential to a court of justice and to every public functionary, in order to command respect and obedience, that the people should have full faith in their authority. Suppose the authority of a court disputed, and their officer resisted and slain what prospect could there be of punishing the offender if the people and juries should be divided in opinion as to the authority of the court? I will not pretend that I deem new commissions absolutely necessary, but I must confess I have not the sagacity to perceive the force of objections made by others. I owe it to your senator to acknowledge that I feel indebted to him or his co-operation with me in the effort to quiet our country. He did it with hesitation and some reluctance. He was willing to repeal the new court and retain the old Judges, but at last assented to the proposition presented in my bill to produce public repose. I thought our side wrong to adjourn for twelve months, and if I could hope for success I would exhort the people throughout the state, to assemble together in their several counties, and call upon the Governor to convene the legislature in March or April next, for the purpose of settling this question. I regret the necessity of defending my course against many of those associated with me in this political struggle. The agency of some in producing this temporary excitement against me was probably induced by unworthy motives, but many I have no doubt acted under hasty and mistaken views of the subject.

Whatever may be the impression for the moment, I feel confident that the candid and dispassionate part of the community of all parties will be satisfied, that it would have been better to have ended the struggle, in the manner I proposed, than to leave the country in its present condition for another year.

Before I conclude permit me to repeat that I will not violate the principles I have advocated before my country and on the floor of the senate, but I am sincerely disposed to settle this matter, upon terms equitable, liberal and as satisfactory to all parties as practicable. I had another object in wishing an extraordinary convention of the legislature. I have been desirous to appropriate and throw into circulation for internal improvements the commonwealth paper received for stock in the State Bank and the public lands, leaving the calls received from debtors to be regularly paid. The state could appropriate from six hundred thousand to one million of dollars for turnpike roads. I would continue the road from Middleown (in Jefferson) to Lexington, from Maysville through Lexington Mercer Washington and Green in the direction to Nashville, and from Louisville via Bardston to intersect the Nashville or Greenriver road. The work could be commenced in a short time at different points on those roads, three or four hundred thousand dollars now locked up in the bank could be put in circulation and active employment given to a great portion of our citizens. These roads could be completed to a great extent in the course of two or three years, during that time the commonwealth's money over and above the calls would be kept in active and profitable circulation. Besides other advantages the toll on these roads will furnish a valuable revenue to the government. I mentioned this subject in debate several times during the last session, but our attention was so exclusively engrossed by the court question, that I fear no good thing of importance can be accomplished until that is disposed of. I fear, gentlemen, I have too long interrupted your festivity. Before I resume my seat I beg leave to give you a toast, A speedy restoration of order harmony and confidence to our distracted commonwealth upon terms equitable, liberal and satisfactory to our fellow citizens.

JAMES B. JANUARY.

PRESENTS his compliments to his clients and informs them, that during his temporary absence, their business in Fayette circuit court will be attended to by Richard H. Chinn, Esq. Col. Leslie Combs and Col. Thomas M. Hickey, and in the Jessamine circuit court by Maj. James Shannon and Capt. Levi L. Todd.
Lexington Jan 27th, 1826—4-11.

Col. Solomon P. Sharp's Clients,

ARE informed, that his executors have employed DANIEL MAYES, attorney at law, to close the unfinished business of Col. Sharp, in the several courts holden in Frankfort and the adjoining counties. Mr. Mayes has taken possession of the real estate occupied by Col. Sharp, in Frankfort as a law office; and will regularly attend to any business of a professional character that may be confided to him. It is his intention to resign his station as representative, immediately on the rising of the legislature & to reside in Frankfort.
Dec 16th 1825—50—6m

KENTUCKY LEGISLATURE.

TO THE FREE MEN OF KENTUCKY.

FELLOW CITIZENS:

After a session of six weeks and three days, the most eventful in the annals of our state, about to return to our homes and surrender the trust which has been confided to us, it becomes our painful duty, as faithful sentinels, to announce to you that "all is not well." As the immediate representatives of your interests, and organs of your will, constituting as we do, a large majority of the House of Representatives, it is our most solemn province to tell you, that these interests have been disregarded, and that will overruled by the influence of your Executive, and pertinacity of a majority of your Senate. Your prayers for our success to the great business of education in which we have so long labored, have not prevailed. Unwarlike fortune, to whom we could not control, and who was deaf to your voice, has disappointed your anxious and reasonable expectations. Such was our misfortune, that with all our united exertions, we have been unable to re-invigorate our decimated constitution and restore our land to peace. The circumstances under which we assented here were auspicious and we were exhilarated with the drawings of a bright and happy era for Kentucky. But this was the result of a false calculation, a vision of an almost confidence. The wild spirit of anarchy and of dominion, which has so long presided over our destinies, still lingers in our councils and controls their issue. The political horizon which we were prepared to behold ere now, clear and serene, is yet lowering and portentous—That cheering sun whose light we were ready to hail, as the harbinger of blessings for our devoted land, is still in eclipse. The torch of discord, still unextinguished, threatens more extensive desolation. Your Judiciary which should be the shield of the pauper of all, is still at the foot of its victors, disabled by the blow inflicted by a reckless majority who use for vengeance your remonstrances could not command—whose uplifted arm your constitution could not for a moment suspend.—The "Pretenders" to office in the Court of Appeals as if driven to desperation by some unaccountable influence of chivalrous patriotism, or excessive love of money and power, still hang like an incubus on the person of your constitution, stifling her voice, paralyzing her judicial arm, and stagnating her most useful principles. The "new court," the spiritual offspring of a caucus, still clings as with the grasp of death, to the judicial column of your political fabric resolving in its agony to tear it down, and either perish in its crisis, or, surviving its fall, mount the ruins and stand a monument of its own unalloyed triumph and the prop and idol of its co-operating party. And recent events indicate that this fungus excrescence of legislation is to be nourished not only by your Treasury, which it has already robbed of a sum \$8,000—out, if necessary, by the blood of those unfortunates, who shall be so impious as to deny its legitimacy, or so daring as to refuse homage to its usurped authority.—This mock tribunal, devoid of public opinion, to which it boastfully appealed, and which has denuded it as destitute of all colour of authority, manifests a fixed determination to decide your causes without your consent, or prevent a decision of most of them, by the constitutional court. Your records have been forcibly withheld from your legal clerk and for weeks were carried off and secreted, so that those interested in them were denied the privilege of having access to, or inspecting them. Your Executive declares war against all who attempt to enforce your will and aid your court in doing your business; and as you will have seen by a report of a committee of the House of Representatives, the Governor's son, and other kindred spirits, with the presumed connivance of his Excellency, have made military preparations to carry this horrible threat into actual execution. After failing in an appeal to your reason, an appeal is now made to your fears—and you dare to defend your opinion, you are menaced with brutal force—the ultimate reason of despotism, and are notified that your decision shall be reversed by the royal argument of the bayonet. If you consider your constitution as worth preserving—if you value it as you should do, supremely—if you look to it as the palladium of your liberty—if you intend to govern your selves and carry on your government, by moral and not by physical power, look around you and behold your impending danger—and by a prompt display of your energies, right yourselves. Do not be lulled by a delusive security. The danger is imminent and near your doors. Although it has not entered your dwellings—although you may not have felt its grasp or seen its footsteps; a gigantic power is stalking abroad, which it not promptly and resolutely met, will soon undermine the foundations of your constitutions, and impose on you a yoke, which ever guided or light, will so to you and your children the yoke of moral and political bondage.

It is not to restore with all its aggravations, the story of your wrongs and your sufferings, that we now appeal to you, but only to vindicate our selves from all the responsibility of this solemn crisis, and to call on you as the only supreme power in the Commonwealth, to assert your rights, and by a proper exertion of your authority to avert the calamities with which it threatens to visit and desolate our country. What you have already endured under the administration of politicians who were self-styled republicans, and exclusive friends of the people, is seen by all and felt by all. You have observed the progress of the controversy, which has so long divided and paralyzed our once happy and distinguished state, and have but too deeply felt its demoralizing and ruinous effects; you have seen the two contending parties, the one struggling to preserve, the other to destroy our constitution, exasperated to an extremity, that to many was alarming, to all humiliating. You have witnessed the distraction of neighbourhoods—and of families—the destruction of confidence—the depreciation of the paper, and consequent occasional banishment of the metallic medium—the inconsistency, injustice and unconstitutionality of party legislation; you have seen with regret, that this unwarlike and unprincipled strife, had so engrossed public attention and injured the popular feelings, that the great interests of internal improvement and education, have been totally neglected—and that the regulation of our currency and our revenue, and the amelioration of our civil and criminal laws have scarcely been attempted; you have seen men struggling for power and office, regardless of the means of obtaining them; sanctifying all their claims by a seeming devotion to the liberty of the people and the supremacy of their will, and yet by their conduct, the jesuitical maxim that the end justified the means, you have seen them endeavoring to degrade, your most venerable and long tried servants only to supplant them and fill their places. You have heard them denounce your patriots as traitors, your old soldiers as traitors. You have beheld them carrying on a traitorous crusade against your appellate judges, because they were free from and uncorrupted by—because they felt compelled by the obligations of their oaths and the clearest conviction of their official duty, to defend the magna charta of your rights, and enforce private contracts according to the law of the contracts for securing that it should stand as a shield of gold or silver on the altar of law which provided that all contracts should be enforced in three months. It could not constitutionally withhold the payment for two years without the consent of a two-thirds majority in any thing of this nature. It is a dishonour to a decision which is sustained by the common sense and common justice of the whole nation—a decision which is enfor-

ced by your constitution, and one which is fortified by the concurrent opinion of every state in the United States where the question has occurred. You have heard the venerable judges of your court of appeals vilified and traduced—charged with designs on your liberties—called Kings—tyrants, tyrants; arraigned for imputed hostility to the occupant; when their accusers knew well, that they had ever been the occupant's most steadfast friends and had sustained your occupant laws by about fifty different decisions, many of which have been rendered since Green and Biddle; and when some of their accusers were deeply interested in prostrating the occupant system, and as it means found it necessary first to bear down by awe or expel by threats, those honest men who in defiance of all consequences, were determined to uphold this only rampart which defended our homes and firesides. Humbly pursuing the noisier tenor of their way, you have seen these persecuted judges arraigned, tried and acquitted by a political party; and then, incredible and horrible to tell—you saw the same dominant majority, in your last Legislature, finding that the judges would not be subservient to their party interests, and that they would not be driven from the bench by abuse, and that they could not be removed by impeachment or address, (the only moles authorized by you in your constitution, and which they, by their previous conduct had admitted to be the only moles) passed an act to abolish "the court of appeals," ordained and required always to exist by your written will in convention. The avowed object of which sacrilegious act, was to remove the judges who are entitled to hold their offices as long as the court of appeals shall exist and the inevitable and ultimate effect of which, if sanctioned by you, would be to pull down one of the three great pillars which uphold your political temple and subvert the very foundations on which it is reared, and on which all your security, all your hopes and your happiness are built. As a necessary consequence of this mad career, we all have to deplore that Kentucky is not now either politically or morally, what she once was. That with all her endowments—with all her preeminent resources physical and intellectual, she has been retrograding, whilst her neighbours with inferior natural blessings have been progressing in their march to wealth and power—That she emphatically "the land of the free and the home of the brave," has exhibited scenes of violence degrading to her honor—whilst they have been peaceful, prosperous and happy. All this we foresee, and have endeavored to avert, by warning you of your danger—by urging a reverence to your constitution, by recommending industry, economy, morality, inviolability of contracts, stability and justice in legislation; we believed that these were the only sources of your prosperity; but these and other principles prevailed, and obtained a transient triumph over us and our principles, over the constitution and over you; which triumph, if not arrested would have tended to the dissolution of society and the unbuilding of all constitutional government. By the alarming act of last session, attempting to abolish your court of appeals, you were roused to a sense of your danger, and of the objects of those who so long amused you with professions of their love and with expedients for your relief. With all your experience of the past and forebodings of the future, the great subjects of controversy brought at last to a decisive issue, where by all parties, referred to your final arbitrament. The peculiar character of the issue rendered its decision ineffectual by any other tribunal than that of the great body of the people, which must of necessity, from the structure of our government, be the ultimate arbiter of all fundamental political questions, particularly such as involve the powers and existence of two coordinate departments and perhaps the actual existence of the constitution.—You have deliberately and solemnly given your decision at the polls, on the constitution which you yourselves made. That decision, whatever it might be, the constitutional party felt bound and had resolved to submit to; and we had a right to expect that all who regarded your interests of their own permanent good, would cheerfully acquiesce and acquiesce all pride, all selfishness, on the altar of concord, and re-voice cordially as brethren of the same language and religion and country, in endeavours to re-establish sound principles and consolidate our common happiness.

We assemble there as your messengers of peace, to announce your will, tender the Olive Branch, and proclaim to those (if there were any such) who loved their power more than your welfare, that their rebellion be an amnesty for the past and security for the future. We felt not as victors; we desired not to triumph; cherishing the most fraternal feelings, we were prepared to make an offering on our country's altar, of all our resentments for our multiplied personal injuries, and to remember the scene of the past only a profit by their afflictive lessons. Inspired with these sentiments and backed by your will to which the opposing party had always appealed as the supreme law, we had a right to expect that the storm of party would cease longer to rage, and that ere now our tempest bearing bark having outlived the whirlwind, would have swung to her anchor and would have repose on the tranquil bosom of the great deep, the peoples enlightened and rectified will.

But our expectations have been disappointed and your will frustrated. At the opening of our session, our ears, instead of being saluted with the mild and melodious notes of peace, were shocked with the shrill clangour of war, blown from the executive Trump; instead of hearing recommendations of order and submission to your decrees, we are left only to infer from the language and temper of his Excellency, in his late annual message, that he defied public opinion, the great lever of the republic, and that as the guardian of the people's rights, he was resolved to resist by force the peoples will, and maintain by arms his triumph over the people's constitution. We learn from his document, that although you had decided against the reorganizing act of last session, still he determined by the employment of all the means subservient to his station, to prevent your judges from doing your business and to enforce this unconstitutional and pestiferous act, until "the Senate" (not the constitution) should declare it void by repealing it; and he was even so bold as to intimate in terms which cannot be misunderstood, that if the act should be repealed, he should still not suffer the judges of the court of appeals to adjudicate unless they should surrender their commission and accept new ones from him! Who was prepared for such a message! In what age or country were a free and enlightened people addressed in such a manner, from such a source and on such an occasion! We believe it is not transcended in the annals of Henry the VIII, Charles the I, or James the II. What! the Governor of the people, to trample on the constitution of the people—alienate by physical force, to resist the wishes of the people and to denounce a war against the people!!! Yet such is Governor Desha and such his message!!! Unwaved by this war speech, we lost no time in making known our decision; and asserting in a becoming manner your rights. On the third day of the session a resolution passed the House of Representatives by a vote of 60—39, declaring that it was the opinion of that house and a large majority of you, that so much of the obnoxious act of last session as attempted to abolish the court of appeals and create another court was unconstitutional and totally void—that judges Boyle, Owsley and Mills are the only Judges of the court of appeals, and should be so respected by the people and all their public functionaries. This was our response to you, and to your name, to the proclamation of the commander in chief. Here we might have stopped, and left the "wild right" of the constitution to its own fate; it is a novelty, and it is not necessary to repeal it. The consti-

tution is the supreme law, and all acts contrary thereto are void. You have deliberately decided by more than sixty hundredths, that it is in conflict with the constitution, and to what purpose shall we say as it is taken from your judgment! To the Governor or the Lieut. Governor! To Senators, who disregard your most formal written instructions? God forbid! But it is for you to determine whether you belong to them or they to you; whether your government was instituted for your happiness or their exclusive enjoyment. Supposing that it might be more satisfactory to many to repeal the reorganizing act than rely on a simple declaration of its unconstitutionality, the adoption of the resolution was immediately succeeded by a repealing bill which passed the House of Representatives by a large majority, but in the Senate by the casting vote of your Lieut. Governor, was annulled by substituting another reorganizing principle and liable to the same objection; and when the House of Representatives disagreed to this substitute (as they were bound to do) the Senate in the first instance adjourned, and thereby closed the door on all consultation and conference on that bill; leaving to the other house no other alternative, than to adhere also, which they promptly did; and so the bill fell. The Senate with an apparent reverence for your opinion, and submission to your instructions, professed a willingness by their conduct to repeal the act in obedience to your command; but when brought to the test, would do so only on the condition, that we faithful to you and treacherous to our oaths, would offer up our constitution as a propitiatory sacrifice, and co-operate with them in the unholy scheme of obliterating your institutions and enacting the very identical principle which you have proscribed as unconstitutional and which you have elected us to extirpate.

The minority asserted (and it has been frequently echoed) that you have not decided at the polls that any of this memorial act is repugnant to the constitution. They charge that you have been deceived and let away by improper influences. We know as well as you do, that this charge is unjust, and we believe that such a subterfuge will be unavailing and treated by you as it deserves. Are you not capable of free government? Did you not investigate the subject referred? Were not the elections contested by it? Can such a destination of principle of common sense be justly attributed to you, as to excuse the apology which is offered by a part of your public servants, for refusing to concur to your will, so emphatically expressed? If it is an excuse to disobey your instructions now, on the ground that you did not understand what you did when and how will it be ascertained that you are right and have not been deceived? Never, except when your opinions shall be in accordance with the interests of those who chose to doubt your capacity always to decide irrevocably on the subjects fundamentally important to your welfare. You have heard much about the right of instruction from the party who now virtually deny it. What do "instruction men" now tell you? Nothing less than this, that when they are not suffered to instruct you how to instruct them they will not obey your instructions. Because you are always wrong when you do not agree with them. This, when undisputed and boldly exposed as it now is, by their late conduct, can be considered nothing less, practically an attempt to subvert the elementary principle of all popular governments.

We hold these principles to be fundamental, and these truths to be self evident; that free government being instituted by the people and for their benefit, they are the final judges of all political questions the only umpire who can adjust irreversibly, collisions of the departments which endanger the equilibrium of the constitutions; that they alone can decide who are the constitutional incumbents of their Supreme Court, and their decision on such a question whenever or however expressed, from political necessity, should have uncontrollable effect, and cannot be questioned or resisted by their functionaries or public agents without disturbing the harmony and frustrating the beneficence and republican ends of our government that every attempt to elude or control the people's will on such ultimate questions by those to whom they have confided any portion of their power, is usurpation, and deserves their severest and most unqualified reprobation; that the court of appeals is ordered by the constitution, and can never cease for no moment to exist, as long as that charter possesses one principle of vitality; that the Judges of that court, are entitled to hold their offices during the existence of the court, or in other words the constitution, unless removed by impeachment or address, with the votes of two-thirds of both branches of the Legislature; that the reorganizing act of last session, did not abolish the court of appeals or suspend its existence; that it is the indispensable and indisputable duty of that Judiciary to pronounce acts of the Legislature to be void, when the Judges have a clear conviction that they are unconstitutional, and to enforce the constitution as the paramount, the people's law, against the opposing act of their servants; that an act of the Legislature contrary to the constitution is not a LAW, and the citizen who gives it effect is a trespasser, and the Executive who enforces it by the sword or the bayonet, as guilty of HIGH TREASON; that an unconstitutional act is as invalid before as after its repeal, and that after the people have decided, it to be unconstitutional, all who aid in endeavors to execute it, should be considered public enemies of the people, and their constitution; that it is not necessary to repeal an unconstitutional enactment but only desirable, in order, to take from desperadoes and usurpers, all color of pretext for their wanton licentiousness under it; that Messrs. Barry, Haggins, Trimble and Davidge, have no judicial offices to resign, and that if they attempt to adjudicate, since the people have decided that they are pretenders without right, they will be guilty of usurpation, and of their assumed powers, they will be guilty of flying war against this Commonwealth; that the inviolability of our constitution is essential to the life, liberty and property of every citizen; and that if you sanction the invasion of any of its principles, you thereby endanger the whole structure; that each of the three departments is created by the constitution and whenever either becomes the creature of another, the theory of the constitution is subverted, and the government revolutionized; that the essence of a constitution consists in this; that it is obligatory upon all the people, and all their agents, and that every act by whomsoever done contrary thereto, is void and can have no effect; that no feature of the constitution can be changed except by the whole people in convention, and that the constitutional independence of such department on either of the others, is essential to the efficiency of the constitution, and indispensable to the liberty and security of the citizen. The foregoing is the outline of our doctrines on the great subject before us; it is the summary of our creed—we believe it will stand the test of time and the scrutiny of ages—it has been stamped with the approbation of the most enlightened statesmen; and for the cause of universal liberty, we pray that it may become universal. It will be defeated by the real patriot to the last extremity, even at the stake; it contains the strength of the weak, and the weakness of the strong; principles which are bulwarks of constitutional liberty and the best hopes of Manhood; they constitute the text book of the real republican, and whenever they shall cease to strain your homage, you will cease to worship at the shrine of the true Goddess of Liberty, and the altar and Goddess will sink together at the foot of the monster of tyranny and oppression. The most sacred of these principles are now arraigned by some warlike, and are loudly and insidiously assailed. We call on you to reverence and uphold them. Defend your constitution, and it will protect you in every trial. To re-establish it on broad and permanent foundations is our first and only wish; for it is alone, we have struggled for this we came here, and because we will not give it up to the winds which howl around it, they must still rave on, and you are not allowed to have PEACE.

On the first occasion, when the most vital of these principles have been brought to a practical and decisive test, some of those very men who have declared loudest, in their favour, and therefore almost desisted, shrink back from their avowed instruments of their destruction, and as it now hangs fairly weighed in the balance are found wanting. Such are in our opinion, those of your servants who have been solemnly instructed by their constituents that the "new court" is unconstitutional, and who by defying those instructions, endanger the peace and safety of the state. They say by their conduct that they are the organs of your will and as you did not foresee the passage of the obnoxious act when you elected them, and instructed them to vote against it, they will not give it up until they call on you to elect them again! That an unconstitutional act, although void, must be enforced on the people, perhaps, they have passed on a majority of the Senators, who aided in enacting it, and commanded a repeal of that which in convention they have declared shall never have existence. Here you see a bold stroke at the very root of your liberty.

They say further, that although you have decided that the "new Judges" are no Judges, and although the message admits that they are odious, yet they shall go on "through scenes yet untried," and shall not forbear from further usurpations unless the "old judges," alarmed by their threats, or seduced by their offers, "resign and give up the ship." They even say that you have not decided that these worthy men are Judges. Have you not decided that they have not been legislated out of office? If the act which attempted to remove them, be void, it follows as inevitably as the effect from the cause, that they are as much in office, as before the date of that act. It was not men but principles for which you contended; when you wish to remove judges from office, you will do it according to the constitution by two thirds, when you come to determine whether men claiming to be Judges are in office, a majority alone must decide. It is not a judicial, but a great political question, which no other power on earth can settle, and the very hinge on which the whole government swings, is broken, if the decision of a majority at the polls be not final and controlling. But we have heard that notwithstanding its unconstitutionality, the act of last session is law, and must be so considered until one or two Senators shall find it their interest, or feel it their duty to consent to its repeal. This is neither the doctrine of reason, nor the sentiment of republicanism. When an innoxious constitutional act passes, it becomes the law of the land, and remains such until the whole legislative authority shall repeal it. But an unconstitutional act is never the law of the land. The constitution is the supreme law of the land, and all acts "contrary thereto are void." We have been admonished on the subject, to beware of the fate of the federal party in 1801. Let those who gave the admonition, take it home to themselves—they might profit by it, before it be eternally too late. Let them recollect that the downfall of the Federal administration, was provided by the persevering attempts of their dominant party, to enforce the alien and sedition acts in defiance of the people's will; after they had been denounced by public sentiment as unconstitutional. The Governor and his friends should take care lest by the same career, they are brought to the same end. And they should never forget, that the strongest charge of the republican party against Judge Chase of the Supreme Court, was that he refused to declare the alien and sedition laws unconstitutional.

To decoy us from our allegiance to the constitution, many artful stratagems have been employed by the "new court" party. They have appealed to our fears and our hopes, to enlist us under their banner, and to elp to sanctify in effect, their usurpation. It was proposed, first by his Excellency, and then often reiterated in each branch of our assembly, that those who are Judges of the Court of Appeals by the constitution, and those who claim to be Judges by the void act of the legislature, should all resign; and we were assured that if we would co-operate in the caucus business of making judges and causing the old judges out of office the Governor would nominate four "new judges," two from each party. This we promptly rejected—we considered it inadmissible, for many reasons, which it is not necessary now to detail; but among which, we will repeat to you the following:

By agreeing, we should have recognized the validity of the new mode of breaking judges—the very thing which you sent us to explode; the four judges proposed, would have been judges of the "new court" when you have said that there shall be no such court; they would have been judges under the late act of assembly, and not judges under the constitution. We had no power to make judges—the constitution devotes that duty on the Governor and Senate. The example would have been deleterious and unconstitutional in its tendencies; we had no right to control the will of the judges; the resignation, (to be a resignation) must be voluntary, not compulsory; we would not abandon them, because they had not abandoned the constitution—because they are virtuous, able and honest men, the friends of justice, of morality and of law. That to reorganize the court by forcing the judges to resign, is liable to all the objections urged against the new mode of last winter—that the judges could not, consistently with their own honor, or their duty to the great principle for which they have so long stood on the watchtower, now desert their posts—that before they should resign, justice should be done to their abused characters, and their department should be re-established firmly on its constitutional foundation—that if they resign now, those who have so long persecuted them, and assailed their department, would thereby achieve the object for which they have employed so many unjust and unconstitutional means, and gain a triumph, when they are signally defeated, and their conduct condemned—that the unconstitutionality of the reorganizing act must be settled, and that any compromise would be inadmissible, which should tacitly recognize its validity—that a Governor who is a devoted partisan should not be trusted with the power of filling, at this time, offices so important to the welfare of the country; but if a change be desirable, the people alone should effect it, by a reelection of the appointing power, so that the appointments may be wise and satisfactory to them, and so that no principle moral or constitutional may be violated,—that contending for principles, not men, those principles must be established in such a manner that the recurrence of another such a tack upon them as that which has long afflicted our country will be discontinued, before we could not treat for compromise; that we could compromise our constitution or oaths—that no line of office or threat of force should ever tempt or alarm us to become recreant from the cause in which we have so much and so long suffered; and trampling down the constitution at the eve of its triumph, divide the spoils of its subjugation. If we had this "compromise" then indeed we might be called ambitious and faithless. The proposition was moreover most unbecoming. There was no reason offered, nothing in exchange; the "new judges" have nothing to resign and should we have been invited to take on ourselves the responsibility of purchasing at so high a price, their subsistence to your will? Their party had no right to ask us any sacrifice; all that was necessary for peace was that they should acquiesce in your decision and their own appeal. By repealing the act and sub-

stituting to you, they would have surrendered nothing but obsequy. There would have been no sacrifice of principle, we should have given up all that we had contended for, and all that you had decided. If they did not intend to submit to your word, why make the appeal? And when will they submit? Never. Then from our consciences and our doors be all the consequences of their resistance.

Their other propositions of compromise were, with only slight variations of form, of the same cast and liable to all the same objections. That which was pressed most, was that the judges should resign and the bench in future be filled with six "new judges" and (would you believe it!) a part of the proposal was that the old judges should be three of the six; Boyle, Chief Justice! Yes, fellow citizens, it is true, it was proposed to us if we would only give up the question, compromise the constitution and induce the judges, who have grown grey in your service, to resign at the bidding of the Governor, that those three old men, whom they have denominated "Kings" might ascend the throne, and by his excellency be crowned.

This is susceptible of no commentary; it speaks volumes which have not until now been unsealed. You behold now the petty objects, on one side of all this long protracted contest. You see who are hunters of office, and lovers of the people. Sanction these things, and your constitution is not worth preserving; its title may stand, but its living spirit will be extinguished and the right of suffrage, freedom of conscience and security of life, would all tremble on the interested and capricious will of a favored few. To prevent this catastrophe, the minority appealed to you last winter, to avert it, you pressed to the polls last August; and to warn you of its approach we now address you in tones firm, and in language bold as becomes the momentous occasion.

Desires to terminate this unnatural and unprofitable warfare, we have done every thing which our duty to principle and to you, would allow. We reiterated the proposition which was made by the minority last winter, to save the country from the vicissitudes of the "midnight act." It was then spurned; it is received no better now. Nothing will satisfy the other party, short of a virtual acknowledgement of their right to remove the judges of the appellate court, by a legislative act; and the admission of the judges, that they are indebted to their bounty for their offices. We then proposed as our ultimatum, that the senators, representatives, Judges, Lieut. Governor and Governor, should all resign, as the only mode of enabling you to settle all controversy without obstruction or delay. The resolution offered for this purpose, passed the House of Representatives, by a vote of 75 to 16. By the Governor, Lieut. Governor and their party who profess so much anxiety to quiet the country; and are themselves the only obstacles, and who boast of so much regard for you and your rights, cannot consent that you shall exercise this salutary and necessary power.—They are apprehensive that you will err, and become distracted by commotion.—I have you see that the patriots who are so solicitous that the Judges should resign, are unwilling to set the example; although requested, by an almost unanimous vote of your immediate representatives. Yet, these men say, that they do not love offices, that they are for the people and the people's will, while they will neither submit to that will, nor get out of the way, that the people may elect those whom they prefer, and who would do their will. Reflect on this; hear the response of the Judges to the Senate's invitation to them to resign, and then doubt longer, hesitate longer if you can. To dismiss the compromise, by analyzing all the propositions, you will see that the basis of ours, was the recognition that the old Judges, are in office, of theirs that they are out of office. The precise question you have decided. Is this agony of the body politic, never to be over? Is there any inherent defect in our social or political organization? Or where does this sad tale?—Why does your Governor in reluctance, declare, and declare again at the opening and at the close of our session that he will preserve peace by making war? Your guardians wrong you. It is time to escape from minority and assert the rights of manhood. All that is necessary is that your representatives shall tell you by their acts, not by their speech—"your will and not ours be done." Then and not till then, we shall have peace.—Then our state may recede the proud eminence from which she has fallen. Then we shall be once more brethren—Kentuckians—and then the eye of philanthropy, may soon see emerging from the flood of party fury the verdant summer of that region, which we hope is even yet destined to be the seat of science, reason, justice, liberty and law; inseparable companions.

But if, by acceding to any of the terms of compromise which have been offered to us, we had acknowledged (as we might have done) that your "old judges" are not in office; if by thus voting with the hostile party in forcing your judges from the bench, in any mode not permitted by your constitution; if by aiding in imposing on you all the burthen and confusion of a "new court" of six judges, and also acknowledging, by requiring the old judges to be re-commissioned, the constitutionality of the act which you have decided to be unconstitutional; thereby sanctifying the means employed so long to degrade your judiciary, and subvert its constitutional independence, and render it subservient to faction, and the playing of ambition; if by thus surrendering at the moment of success all the sacred principles for which you have been so long contending, for the petty and unworthy purpose of elevating to the honors and emoluments of Appellate Judges, three of those who have denied the constitutional creation and inviolability of the Supreme Court, and thus crown them with victory and consecrate their doctrines; if by these means alone, we can make peace—THERE CAN BE NO PEACE. If we had thus compromised your will and your constitution, we might proclaim peace, peace, but there would be no peace. Such a peace would be the peace of death—the death of your constitution—the hopes which it inspires, and the liberty which it secures. Your government will never be guided by reason, until the head of your judiciary, placed firmly on the eminence raised for it by the constitution, shall be able to hold up JUSTICE to the rich and the poor, as if placed on the isthmus between conflicting elements, dispense her impartial awards, unswayed by the storms that rage below, and unshaken by the waves that break at its base. To secure this great object has been or only aim—this is our only hope—and for our endeavors for success in such a cause we have been charged by the organ of the opposing party, with "knavery and hypocrisy." We shall not degrade ourselves or insult your dignity by retort. We wish to be judged by our deeds and not by our professions; and if our principles, our characters, and conduct repels such occupations, give them your credence. One of us, now 80 years old, fought in the revolution for his country's independence, and assisted in convention to establish the two constitutions of Kentucky, to secure that independence. Is not this some little pledge of his sincerity, and of the fidelity of those who are associated with him in endeavouring to save the constitution?

When did we ever attempt to violate the Charter of your rights? When did we organize parties for turning out of office, your circuit Judges and clerks &c. to fill their places with other friends to whom we had promised them. Let those whose consciences are not reproached with these things, charge us with ambition. We are an lituus, but our only ambition is to exalt the character of our state and give quiet and security to her people; to re-establish habitual reverence for the principles of natural liberty to give security to the right of justice, confidence to virtue; and as we hope to

be immortal, the highest aim of our ambition, in relation to ourselves, is to deserve well of our country, to obtain the good opinion of the good and wise, and ensure the approbation of our own consciences. "Whatever may be the issue of this controversy, we shall enjoy the consolation of having throughout discharged our duty faithfully and honestly; and whoever others may be prepared to do, as for ourselves we will defend the constitution, and cling to it as the plank which in the wreck of every thing else, will save us and our's, in WAR as well as in PEACE.

But this constitution is yours; you made it, it is in your keeping. Do with it as you deem best for your welfare. But recollect that it is the best guardian of that liberty which is your richest inheritance, and which it is your duty to transmit unimpaired, to those who shall come after you. Your Judges, although they have received no compensation during this year, and expect to receive none during the next, instructed by your votes, and by their own sense of duty, will continue, without longer suspension, to do your business, unless overcome by the Governor's Army. Protect your constitution, and all is safe.

You can LOOK DOWN all opposition. Your voice can stay the parol arms and redeem your constitution from this fiery ordeal, and, in doing your duty, stand to your integrity, do not be drawn from your ground, the "new court" will soon expire for want of NOURISHMENT, and your constitution will resume its sway, and good old times will soon return. But suffer yourselves to be alarmed or wearied into inaction, allow your constitution to be battered away, by your public agents; compromise the sacred principles which you have already consecrated, or leave them unsettled and then you will have no safety, no peace, no constitution. Having done all that we could do we submit the issue to GOD and the PEOPLE.

G. Robertson, Richard Taylor,
James Allen, James R. Skiles,
S. H. Woodson, A. Bruce,
Robert Taylor, S. M. Brown,
John Green, John B. Duke,
Samuel Haason, T. C. Owens,
Henry C. Payne, John H. Slaughter,
Squire Turner, J. W. Bainbridge,
C. M. Cunningham, W. B. Blackburn,
James True, R. B. New,
R. R. Underwood, J. M. McConnell,
R. J. Kreckinridge, Alexander White,
M. P. Marshall, S. Grundy,
J. W. Waddell, John Cowan,
J. P. Gaines, E. E. Watkins,
J. Harvey, Jr., W. Gordon,
Z. Raylor, Ben. Hardin,
James Ford, J. Farmer,
Alex. Reid, John Yantis,
A. Dunlap, Daniel Breck,
T. Hansford, David Bruton,
J. Crittenden, Jeremiah Cox,
Silas Evans, Joel Wesley,
James Wilson, John Sterett,
G. Street, David Gibson,
John Logan, T. James,
W. Hutchinson, Jr., Daniel Maves,
H. Trimblelake, Cyrus Walker.

From the Mounting Whig. LEGISLATIVE CURIOSITY.

MR. DANIEL: In reading over your last week's paper, we find ample demonstration of the excessive hypocrisy of the majority in the House of Representatives, in a report from a select committee of that house—Selected to enquire whether the Old Court of Appeals had sustained, or had virtually decided against the Occupant Laws of this State. Any will perceive that, the more effectually to secure the success of that electioneering project Ben Hardin, a notorious land speculator, and the known, and acknowledged, enemy of those Laws, was appointed chairman of this party committee. This is the same Ben. Hardin, who while a representative in Congress, entertained such an inveterate hostility towards those laws that he neglected his duties, as representative, and marshalled himself in the Supreme Court of the Union, to argue and protest against their validity—in the case of Green vs. Biddle; And we have at this time, to regret his success; for that Court, in this very case, declared our Occupant Laws null and void—in argument, he not only abused his own State and the Law; but said it was a direct violation of the constitution and a manifest usurpation in the Legislature. He there declared, that the Court of Appeals of Kentucky, had decided against the Occupant Laws, in the case of Hays vs. McMurry—of which fact the Supreme Court appear to have been satisfied, for in their opinion, they refer to this very case as authority in point, upon which to build their fatal decision. From every circumstance connected with the selection of this one-sided committee, it must appear evident to all, who feel disposed to view things as they are, that their real object was not to ascertain, nor the report to unfold any facts relative to the subject; but to conceal them, by ridiculously affecting a friendship for the occupant, until the decision of the Supreme Court shall be forever riveted upon this country. It certainly must be bad policy to constitute a Wolf our Shepherd!! B. Hardin, C. Allen, and H. Wickliffe, are celebrated not merely for their feelings, but votes repeated, against the occupant laws—and shall we believe such men, (even though their declarations be made in the form of a report,) who have so repeatedly declared these laws unconstitutional, when they tell us, that the old Judges have gone all lengths to sustain them? These far famed land speculators, who fatten upon the weakness and misfortunes of mankind, would not, for a single moment, adhere to that Court, if they did not know, in principle, it had decided the occupant laws unconstitutional and void. The committee aver that the jurisdiction of the federal court relating to our occupant laws, had been denied, by the Old Court, in the case of Boddy vs. Gathers! This statement of the committee must have proceeded from their ignorance of the decision, or a treacherous design upon the confidence of the people; for the court expressly say that they are not bound by the decision in the case of Green vs Biddle because it was not given by a full court; thereby admitting that a decision, by a full court, of the federal judiciary, declaring our occupant law unconstitutional, would be considered, binding upon them. The manner in which this matter presents itself to every candid and observing mind, is simply this. During the session of the last legislature the majority in the House of Representatives, prevailed upon the old judges (although disordered of their jurisdiction) to render this particular decision with a view to lull the people into a false security. Immediately on the rendition of this opinion, they select a committee, with all the solemnity of virtuous legislators, to enquire whether the old judges are in opposition to our occupant laws; and taking the subject fully under consideration, report what no candid man in the community would subscribe to; and produce this very decision

to establish their report.—And though this report is perfectly in character with the duplicity and hypocrisy of those gentlemen, in whose minds it was engendered; still the people have too much intelligence to become the dupes of this electioneering artifice. We have abundant proof that this old Court majority are, in every respect, hostile to the interests of the occupant. Look at their appointments!! John J. Marshall President of the Bank of the Commonwealth, James Davidson Treasurer; both notoriously insolvent. And upon examining the Journals of 1829, the votes of both these gentlemen will be found recorded against the occupant law. The old Court Party are endeavouring to fill the offices of the government with men inimical to this law, and through their influence, ultimately obliterate it from our statute book. Their conduct deserves the remark; for the old proverb is, that actions speak louder than words. When we perceive men supporting an individual for office, who has uniformly been opposed to the occupant law, we are induced to believe, that they themselves are not very friendly towards it. When we see a man professing to be the occupant's best friend, and always voting against his interests, we consider his professions hypocritical and treacherous; and that he would delight in prostrating the occupant to rise upon his ruins. The times are portentous! He who is not for us, is against us; and gentlemen must prove their attachment to the occupant, by their works, before we can confide in their professions.

Q. & CO.

FOREIGN.

NATURAL HISTORY

NAVES, Aug. 24.

Pompeii.—The excavations at Pompeii proceed slowly as usual, but continue to produce, at every step, something remarkable to reward the labour bestowed. A very short time since, public baths, the first yet discovered, were found in a street north of the Forum, and west of the corner formed by the Temple of Fortune. The apartments, as far as they have hitherto been removed, consist of three large connected chambers, all barrel-vaulted. In the first of these are stone benches fixed to the longer wall; at the narrow end, where the entrance is, there is a square sunk bath, which forms its size seems intended only for a single person; two steps lead down into it. The flat side of the antichamber is occupied by a bath, on which was found a large round and rather rude stone water vessel. There is a large and shallow very beautiful marble basin, in a neighbouring large apartment, which is likewise barrel vaulted, but detached from the other. The denomination of a Labrum, as well as its cost, and the persons who ordered it, are pointed out by a remarkable inscription on the edge of the basin. The letters which are cut in, are filled up with bronze: they are as follows: CN MELISSAE, CN F. AFRO, M. STATO M. F. AFRO II. VIR. ITER. ID. LADIVM. EX. DD. EX. P. F. E. C. CONSTAT. HS. DCL. The workmen are just now clearing a third large detached and likewise barrel vaulted chamber building. The ceiling of its inner apartment, the greater part of which is visible, is adorned with rich and elegant subjects on red and blue grounds. On the largest compartment, in the centre, is Cupid with two sea horses, a dolphin behind, and a Cupid with two dolphins before. The smaller compartments, too, are for the most part filled with Cupids. Under the ceiling there runs a frieze supported by Carvities. Near the entrance is a youth lying on a panther holding a club and quiver of arrows, meant perhaps for Bucephalus with the weapons of Hercules.

Wreck of a Greek Brig of War.—The Greek brig of war Cimoni, Capt. Mitsis, which lately visited England, in the hope of obtaining the protection of that government, was wrecked on the morning of the 11th of November, at Alderney. She had a valuable cargo, which was plundered by the inhabitants on the coast. "Even a young man of great respectability, carried off a pocket full of spoons, a silver mounted sabre, &c. women took whole pieces of goods, &c. One of the Greeks exclaimed—On that I had been cast among the Turks; I there should have expected death and not this; but here, among Christians, I expected charity and protection, and have met with plunder and abuse."

LATEST FROM EUROPE.

The fast sailing Ship Isaac Hicks, Capt. Morrison, from Liverpool, arrived at New-York on the 11th inst. having sailed on the 4th December. By this arrival, the editors of the Commercial Advertiser have received Liverpool papers to the 3d of December, inclusive.

England.—The London dates, are of the evening of December 1. The agitations in the London and Paris money markets, continued. The 3 per cents, had at one time reached the low point of 80 and a fraction, but had subsequently recovered, though with great fluctuation. The scarcity of money is represented as being very great, and the failure of Davidson and Dowdson, stock brokers, had contributed to augment the alarm. The Plymouth Bank, Sir Wm. Lloyd and Co. had also failed. A large amount of gold, and Bank of England paper, had been sent to the assistance of the country bankers. This prudent precaution has been adopted in many instances without instructions, it being obvious that all the mischief follows a sudden run upon a country bank, might take place before remittances could be obtained from London.

It is reported that a house in the silk trade has failed, with a sum of 20,000, in securities, in their tin box, and upon which they were unable to raise a shilling.

The house of S. Rowbotham and Son, and of Jonas Braddock, of Macclesfield, have stopped payment, with debts to the amount of £70,000.

The Edinburgh Observer says: "The accounts lately received by eminent merchants who have correspondence with the Continent, mention many failures, and the existence of a general embarrassment, which is likely to produce much calamity in many parts of Germany and the Netherlands, the Bankers Houses partially suspended their discounts; and it is supposed, that if the Government had not interfered, they would have taken the advantage of the scarcity of money to impose very onerous conditions upon those houses which they continued to accommodate."

France.—A grand discovery has lately been made in French Literature. The manuscripts of the celebrated Huot, Bishop of Avanches, have been found at Caen. There is an immense correspondence, amounting to more than 20,000 letters, and carried on by him for near sixty years, with the greatest literary characters of this day, male and female, such as Montausier, Bossuet, Fenelon, Flechier, Rochet, Lamoignon, M. de La Fayette, De Soudry, Dacier, Lambert, Queen Christina of Sweden, &c. besides his Latin letters to Gravius, Vossius, Leibnitz, &c.

Greece.—Extract of a letter from Alexandria dated October 18.—Yesterday morning, the Captain Pacha took his departure, and to-day the whole of the transports are out. The expedition, as far as we can learn consists of 14 frigates, 14 corvettes, 42 brigs, 10 fire-ships, 20 armed Turkish transports, and 28 European transports, with the London Engineer Steam Packet; another built here sprung leak in sailing out of the harbour. Four entire regiments, 18,000 soldiers of disciplined infantry, and about 1000 Turkish cavalry, are embarked on board these vessels. The expense of the whole expedition, in arrears of pay to the Turkish fleet, provisions, and repairs, supplies of money, and provisions to the Morea, presents, &c. (the Captain Pacha receives 1000,000 dollars,) will, it is estimated, cost our Pacha 50,000,000 of piastres, or the value of 100,000 bales of cotton. The long protracted discussions between Russia and the Porte respecting the principalities of Wallachia and Moldavia, are said to have been renewed with some asperity.

THE GAZETTE

EDITED BY JOHN BRADFORD.

FRIDAY EVENING, FEBRUARY 3, 1826.

CONGRESS.

The most interesting article in the proceedings of congress, is a bill further to amend the judicial system of the United States. "This bill proposes, That the Supreme court of the United States shall hereafter consist of a Chief Justice and nine Associate Justices, and provides for the appointment of three additional associate Justices of said Court.

That the seventh Judicial Circuit of the United States, shall hereafter consist of the Districts of Ohio, Indiana, and Illinois; the eighth Circuit of the District of Kentucky and Missouri; the ninth Circuit of Districts of Tennessee and Alabama; and the tenth Circuit, of the Districts of Louisiana and Mississippi.

It repeals so much of any act or acts of Congress as vests in the District Courts of the U. States in the Districts of Indiana, Illinois, Missouri, Mississippi, Alabama, and Louisiana, the powers and jurisdiction of Circuit Courts, and provides that there shall be hereafter Circuit Courts, for said districts to be composed of the Justice of the Supreme court, assigned or allotted to the Circuit to which such Districts may respectively belong, and of the District Judge of such Districts."

This bill has occupied the house for three weeks on a motion to strike out the first section. Upon a discovery by the mover that his motion would be lost he withdrew it, and then an amendment to reduce the number of judges so as not to exceed nine at most, was offered.

If the attack made on Judge Shannon in the Whig had been by any other person than the editor of that paper; or by the editor under a fictitious name, Dale would not have obtained a place in the columns of the Kentucky Gazette; and as the subject has now become entirely personal, and uninteresting to our readers generally, we think further indulgence inadmissible; but not because we think the pieces signed Hale have disgraced the columns of the Gazette, any more than that the attack on Judge Shannon has disgraced the columns of the Whig.

The greatest inconvenience, and one which we are astonished does not forcibly strike even the minds of boys of moderate penetration, is the crowding the back room or working department of a printing office, when secrecy is often essential, and when the hands are not only very much hindered in their business by conversations; but in cold weather often crowded away from the stove or fire place by longers wrapped in their cloaks; nor is the notice on the doors leading into these rooms, of "no admittance on any business whatever," regarded by many of these unprofitable visitors.

From the Barnstable (R. I.) Gazette.

PRINTING OFFICE.

A place of this description, like the busy world in which it is situated, is a scene of toil, embarrassment, joy, distress, instruction and amusement. Sometimes the gilded cornet of hope dances before our eyes, at others, the grim visage of disappointment peeps at us from behind the dark curtain of adversity. If occupation adds any quills to the wings of old gaffer Time, truly he gallopeth with the inmates of a printing office and like the wicked they do not live out half their days. This is a place most peculiarly liable to accidents, some of which are of a perplexing, others of a laughable nature. The types which are set up and placed upon what are termed galleys, have every appearance of solidity, yet in fact they are as tender as our consciences. The slightest touch will disarrange their order, and the temper of the printer's devil; the starting of one type will have an effect upon its neighbor, and set the whole of our p's and q's together by the ears.

One of the worst enemies we have to fear, is a cloak; it marches in, conscious of its impotence, and with the sweep of majesty, "Lest loose the dogs of war."

One whisk of this garment this day sent Rufus King under the table instead of to England, and capized a gentleman and Lady, whose marriage had just been put in type. At another time more serious consequences have arisen; a murder has been upon our floor; and brother Buckingham sent neck and heels into a corner—even our friend Jenks, with the whole island of Nantucket, were upset in a galley. But next to a cloak, we dread a gentleman orator; though we are certainly men of letters, yet deliver us from all graceful declamation; one eloquent flourish of an orator's fist, knocked the President of the United States, and our probate court to pieces, and at the conclusion of the argument, we found that he had destroyed 63 bales of cotton from Charleston, and about 15 vessels; but the unkindest cut of all was, that he took off our head, which of course annihilated Barnstable county.

We are always in favor of uprightness, and consequently dislike leaners, the sharp elbow of one of these characters, destroyed, the whole stock in trade of one of our valued patrons, and overturned two dwelling houses, a meeting house, and a millpond—in fact they make more confusion in the world in two minutes, than ever our industry can rectify in six months. Another set of plagues are your spys, who come to investi-

gate the mysteries of a print shop. They resemble in a degree the old lady who cut open her bellows to discover the secret, why the wind should come out. A column of water upon a galley, is a special article of astonishment, and of course they must look well to the affair, and take up a word or two to examine. Little Governor Troup, the other day was lifted from his companions in the column, who were standing around him like a body guard, and held up to admiring optics, by an amateur in curiosity; the consequence of the rash act resulted in a melancholy severance of his term of comeliness, and his excellency came tumbling down upon his astonished troop of soldiery, who prostrated themselves in despair at the event. A bob-tailed coat upon a polite gentleman is a very pretty thing any where, but in a Printing office it acts upon the principle of the lever, as we had an opportunity of experiencing not long since; for while a particular friend of ours was making a particular bow to us in front, the mischievous bob-tailed coat was making and work in the rear; for O sad to tell, the general assembly and judges of common pleas in the state of R. Island, were hoisted from their seats, the actions on the civil docket, by short processes, disposed of, and clients and lawyers all sent out of court with the most marvellous despatch. These are but slight sketches of the incidents and awful calamities which are innocently caused by our visitors; and those who have a proper regard for such weighty characters, and brilliant conceptions as are scattered about the parlours of a printing office, will be careful lest they create,

"A wreck of matter and a crush of worlds" which would squeeze Capt. Symmes' theory into it.

Steam boat accident.—It is reported that the Caravan ran upon the rocks of the Grand Chain, a few days ago, and was so much injured, that she was with difficulty kept from sinking till she was run upon a sand bar.

Louisville Gaz.

The river is now entirely blocked up and all navigation has ceased. It continues falling, and is too low for large steam boats to run even if the ice would permit.

Id.

It is stated in the Hopkinsville Republican, that Judge Davidge, late of the New Court of Appeals is about to remove to New Orleans.

Also that the Cumberland Presbyterians have fixed on Princeton, Ky. as the site for their College.

LONDON, Nov. 13.—The Court of Thursday was marked by a memorable event—the presentation of M. HERNANDO, as Minister from Colombia—the first Minister of any of the new states whose diplomatic character has yet been recognized in this manner. M. HERNANDO presented his credentials, and was most graciously received. It was a happy coincidence enough, that, at the very same Court, Mr. RUTUS KING, the new minister from the United States, was also presented for the first time.

Exam.

Virginia University.—A report of the situation and prospects of this institution has been made to the Legislature of the state signed by Thomas Jefferson, Rector. It is in a flourishing state and has the following number of students—viz: in the school of ancient languages 55; modern languages 64; mathematics 62; natural philosophy 33; natural history 30; anatomy and medicine 20; moral philosophy 14.

Lexington Feb. 3rd 1826.

Mr. Nelson Nicholas, conscious that he has been exposed by me; by way of diverting the public attention from his own degradation, has assailed me in the last Kentucky Whig, in his usual style of violence and abuse. I have only on repeated occasions, proved that he had lied; and calumniated; and this he cannot deny, without asserting a still greater falsehood.—He says I belonged to that department of the Army, to which was confided the disbursement of money to pay and subsidize its soldiers. This is false—I never belonged to that department of the Army. Except my regular pay, as an officer, the only sum I ever received from the government, was three hundred dollars; which, together with some of my own funds, I disbursed in the public service. With the exception of a small item, all my accounts with the government have been long since settled. I claim a balance in my favour, and this I am seeking to obtain; because I believe it to be my right; and whether I succeed or not, is a matter of but little consequence either to myself or the public. Mr. Nicholas arrogates to himself, the exclusive privilege of lying and calumniating, and on this subject may indulge in any conjecture and make any statement that he thinks proper. His allusions to my pecuniary transactions and responsibilities, are matters in which the public can feel no interest, but I say that his assertion that I am now or ever was largely in debt, is false. The word Honour in the mouth of such a notorious liar and calumniator, as Nelson Nicholas, is contaminated.—As he has never distinguished himself for any thing but a capacity for slander and abuse, I should feel that the laws of honour were violated, and myself degraded, by noticing him as an honourable man.

JAMES SHANNON.

Pittsburgh Porter, Beer & Ale

THE Subscriber respectfully informs the citizens of Lexington and its vicinity, that he has recently brought with him from Pittsburgh,

One Hundred and thirty Barrels of SHIRAZ first quality Porter, Beer & Ale.

Persons who wish to purchase, will please CALL AT THE CELLAR ON CHEAP-STEAD, under the building formerly occupied by Mr. Daniel Bradford as an Auction Room, where it can be had by the dozen, draught, or single bottle.

GABRIEL REED.

February 3d, 1826.—5-1f

The Subscriber

HAVING a large stock of Bristles on hand, and being concerned with an experienced workman has, and will keep a general assortment of BRUSHES, made in the neatest manner. Wholesale or Retail; likewise SOAP, CANDLES and GLUE, by the box or barrel, of his own manufacture, warranted good. He will, about the last of April, have fifty or sixty barrels Glue ready for delivery, which will be sold low for cash. Those wanting will please call.

SAM. COOLIDGE.

Main Cross Street.

Lex. February 1st 1826—5-1f

JOB PRINTING

Of every description executed at this Office, WITH NEATNESS AND DISPATCH.

AUCTION.

THE Subscriber has rented a part of the tenement on Mill street lately occupied by Mr. W. W. Worsley, for the purpose of transacting the Auction and Commission business. This first sales will take place on Monday and Tuesday evenings, the 6th and 7th inst. at early candle light.

L. LYON.

Feb. 3rd. 1826.—5-1f

Auction by J. Lyon without reserve on Monday and Tuesday evenings the 6th and 7th inst: (at early Candlelight) A GENERAL ASSORTMENT OF

DAY GOODS,

Hardware and Cutlery, and fancy articles.

L. L.

February 3rd: 1826—1f

State of Kentucky,

Grant Circuit Set, November Term 1825. Frederick Whitmore & Polly his wife vs. Saml. Whars & Jane his wife Compts. In Chy. against

John McClure and Win. Griffith, Def'ts. This day came the Complainants by their Counsel and the Def't Win. Griffith having failed to enter his appearance agreeably to law and the rules of this Court and it appearing to the satisfaction of the court, that he is not an inhabitant of this State, therefore it is ordered by the Court that unless the said Def't Griffith shall appear here on or before the first day of our next May Term and answer the Complainants Bill, the same shall be taken for confessed against him—And it is further ordered, that a Copy of this order be inserted in some authorised News paper published in this State two months successively as the law directs; and the cause is continued to next Term.

A Copy Attest,

H. B. SMITH C. G. C. C.

Payne & Frazer,

Attorneys for Compts.

February 3 1826—5-9w

For Sale or Rent.

A SMALL two story House on Mulberry street pleasantly situated, there are a parlour, Kitchen and pantry, on the lower story, and three bed rooms on the Second Story, with convenient Cellars and Smoke house &c.—also a good Garden enquire of

WILLIAM MACBEAN.

January 5 1826—1-1f

Dissolution of Partnership.

THE Partnership of E. & R. Henry was dissolved on 25th day of December 1824, all those indebted to said firm are requested to come forward and make payment, as further indulgence cannot be given, and all those holding claims against said firm are requested to call and receive payment at their former stand where Richard Henry, who is authorised to settle all accounts of said firm will strictly attend to that business.

ELIJAH HENRY,

RICHARD HENRY.

Blacksmiths Business.

Richard Henry continues to carry on the Blacksmiths business at the former stand, at the upper end of the upper market, Water Street Lexington. He intends keeping on hand, Axes and a general assortment of new work in his line, warranted of the best quality.

January 7th 1826—1-1f

LAW LECTURES.

J. Bledsoe and C. Humphreys, PROPOSING delivering a course of Lectures on Law respectively during the ensuing season, commencing the 1st Monday in Nov. and ending the first of March. The pupils of both will have the use of their joint libraries, and the Tickets of both will not exceed 50 dollars in currency, and five dollars for contingent expenses. Their Tickets may be taken separately, and the instructions of one or both be had at the option of the students. They will lecture on different branches of the science. J. Bledsoe on Common and Statute Law, including on various branches the remedy in equity—and C. Humphreys on equity, Maritime, Mercantile law & the practice of law, including actions and proceedings. A legislative assembly and moot courts will be held.

J. BLEDSOE,

C. HUMPHREYS.

Sept 30, 1825—29-1f

LAW NOTICE.

Robert J. Areckinridge, ATTORNEY & COUNSELLOR AT LAW, WILL ATTEND THE FAYETTE CIRCUIT AND COUNTY COURTS. Lexington, April 6, 1824—15-1f

GEORGE W. ANDERSON, AUCTIONEER & COMMISSION MERCHANT, LEXINGTON, KENTUCKY. BUSINESS entrusted to him will be thankfully received and punctually attended to. A general assortment of

GROCERIES,

Of the best Quality, for Wholesale or Retail, will constantly be kept on hand, at the Store House, corner of Cheapside, formerly occupied by H. C. Anderson.

Lexington, January 6, 1826—1-1f.

A CARD.

Abram S. & Elijah H. Drake, TAILORS,

WOULD inform their friends and the public generally, that they have associated themselves together in business, and have made a permanent arrangement with one of the most fashionable and celebrated Shops in Philadelphia, to furnish them with every change of fashions, immediately on their arrival from London. They pledge themselves, with confidence, to all who may please to favor them with their orders, that their work shall be executed in the most neat and tasty style. They have on hand for Sale a few pieces of

CLOTH & CASSIMERE,

low for Cash, and also a few sets of SPRINGS for gentlemen's riding Pantaloons, &c. Their Shop is kept in Main Street, a few doors below Mrs. Keen's Inn. Ladies and Gentlemen please call and see us.

ELIJAH H. DRAKE,

Has just returned from Philadelphia and New York, where he has spent upwards of twelve months in the best shops in those Cities, for the express purpose of obtaining a perfect knowledge of the most modern and improved modes of Cutting and Making all kinds of garments for gentlemen in his line; and also, LADIES' RIDING DRESSES and PERKS. He has brought with him from Mr. Watson's Shop, Philadelphia, a new Suit, made in the most splendid and fashionable style. Lexington, July 22, 1825—29-6m



POET'S CORNER.

FOR THE GAZETTE.
THE OLD MAIDS CONSOLATION.
The world an Old Maid calls me,
But I care not for that;
While no worse ill befalls me,
I do defy its hate.
In reading I can pass my time
Agreeably enough;
In prose, sometimes, and oft in rhyme,
I meet the sneerer's scoff.

My friends, I visit when I will,
Returning when I please;
I, sometimes, turn the spinning wheel,
And sometimes take my ease.
My time is all at my command,
My actions none control;
I never will bestow my hand,
On man, the haughty churl.

No, no,—"In single blessedness,"
I'll spend my happy life;
No man shall mar my happiness,
By calling me his wife.
No crying child disturbs my rest,
When I take my repose;
With peace and quiet I am blest,
And so my life shall close.

How wretched, she, in wedlock join'd,
To selfish man for life,
She must obey his high command,
Or spend her days in strife.
Better, that she had not been born,
Or that in youth she'd died;
Her husband's slave, free woman's scorn
How humbled is her pride!

January 25th, 1825.



Washington Hall.

ASA WILGUS.

HAS removed from his old stand in Russellville, to the well known and large commodious buildings where Amos Edwards formerly kept a Public House in said town, where he will keep a public house for the entertainment of those who choose to call on him, on the most moderate terms. His Table, Bar, and Stable, shall be well furnished and attended to.
Nov. 5th, 1825.—50-3m

LATEST FASHIONS.

ABM. S. & ELIJAH H. DRAKE, MERCHANT TAILORS.

HAVE the pleasure of announcing to the public, that they have just received from Philadelphia the **FALL FASHIONS**, and a general assortment of superior **Blue, Black and Dress CLOTHS, CASSIMERES and VEST PATTERNS**, together with a good assortment of trimmings of the best quality, all of which were carefully selected and purchased on the best terms for cash in hand, by their friend and Agent, a Merchant Tailor, of Philadelphia; and they pledge themselves to the public, that they will sell the above articles on the lowest terms for Cash—and their work shall be executed in the most neat, tasty and fashionable style. Their Shop is kept in Main street, a few doors below Mrs. Keen's Inn.

Two or three Journeymen wanted.
October 3, 1825.—4-11

LA MOTTE'S COUGH DROPS.

Important Medicine for Coughs and Consumptions.

THIS Elixir is not offered to the public as infallible, and a rival to all others, but as possessing virtues peculiarly adapted to the present prevailing disorders of the breast and lungs, leading to consumption. A timely use of these drops may be considered a certain cure in most cases of

Common Colds, Coughs, Influenza, Whooping Cough, Pain in the Side, Difficulty of Breathing, Want of Sleep arising from debility; and in Spasmodic Asthma it is singularly efficacious. A particular attention to the directions accompanying each bottle is necessary.

The following certificates from respectable gentlemen, physicians and surgeons, are subjoined, to show that this composition is one which enlightened men are disposed to regard as efficacious and worthy of public patronage.

Having examined the composition of Mr. Crosby's improvement upon

La Motte's Cough Drops. we have no hesitation in recommending them to the public, as being well adapted to those cases of disease for which he recommends it.

Doct's. Jonathan Dorr, dated Albany, Dec. 4, 1824: James Post, of White-Creek, February, 14th, 1825: Watson Sumner and John Webb, M. D. of Cambridge, Feb. 20th 1825: Solomon Dean, of Jackson, Jan. 20th 1825.

Mr. A. Crosby—I am pleased with this opportunity of relating a few facts, which may serve in commendation of your excellent Cough Drops. For ten years I was afflicted with a pulmonary complaint; my cough was severe my appetite weak and my strength failing. I used many popular medicines, but only found temporary relief, until by a continued use of your valuable drops, I have been blessed with such perfect health as to render further means unnecessary.

Rev. EUGENEZ HARRIS.

Salem (N. Y.) January 12th, 1825.
Prepared by A. CROSBY, sole proprietor, Can.idge (N. Y.) whose signature will be affixed in his own hand writing to each bottle of directions. Be particular that each bottle is enveloped in a paper or check label, which is struck on the same bill with the directions.

Sold whole and retail by Dr. G. DAWSON Pittsburgh—J. CRAMBECKER, Wheeling—P. M. WEDDELL, Druggist, Cleveland—P. M. PRAV and MEACH, Druggists Buffalo—O. S. WIN, ASHLON & Co. M. WOLF & Co. A. FAIRCHILD, Druggists Cincinnati—BYERS and BULLER, D. WILSON, Druggists Louisville.—and retail by J. D. THOMAS, Winchester Ky and at the

Drug Store of James Graves, Lexington, Ky.
Each bottle contains 45 doses; Price One Dollar single; nine Dollars per doz.
May 25th 1825.—1 year.

JOB PRINTING
Of every description neatly executed here

FORTUNE'S HOME.

COMPLETE PRIZE LIST OF THE DRAWING OF
CLASS, NO. 2, NEW SERIES,
Louisville Health Lottery.

The following were the nine numbers drawn from the wheel.

First Day—Sept. 17, 1825.

NOS. 28, 24, 1.

Second Day—Oct. 8, 1825.

NOS. 14, 8, 20.

Third Day—Nov. 5, 1825.

NOS. 10, 29, 5.

The whole drawn under the named act observation of the magistrates of the county, committee, from the Louisville board of trustees, and superintending committee, appointed by the board of managers, whose respective certificates are filed in the managers office, and open, at all times for the examination of the public.

The agent respectfully referring the holders of tickets to the scheme of said class, has the honor to announce the following, as the result, agreeably thereto.

1000 DOLLARS, to the ticket having upon it, the combination, 5, 10, 29.

508 DOLLARS, to the ticket having upon it, the combination, 8, 14, 20.

500 DOLLARS, to the ticket having upon it, the combination, 1, 24, 28.

100 DOLLARS, each, to the 24 tickets having upon them, No's 10, 29,

35 DOLLARS, each, to the 24 tickets having upon them No's 5, 10,

20 DOLLARS, each, to the 24 tickets having upon them No's 5, 29,

10 DOLLARS, each, to the 72 tickets having upon them, No's 8, 14, 20, or 11, 20,

5 DOLLARS, each, to the 8 tickets having upon them, No's 1, 24, 1, 28, or 24, 28,

2 DOLLARS, each, to the 1881 tickets having upon them, either of the first six drawn numbers, to-wit; either No. 1, No. 8, No. 14

No. 20, No. 24, or No. 28.

All other Tickets are Blanks.

Fortunate holders of PRIZE TICKETS are invited to present them and receive their money forthwith; remembering, that if not presented before the 5th of March next, they are considered by the scheme as donations.

The attention of the public is now solicited to the scheme of CLASS, No. 3.

HIGHEST PRIZE 2000 DOLLARS.

Which will positively be drawn within thirty days if the sale of Tickets will justify.

Twenty-four numbers—Four ballots to be drawn—ALL IN A FEW MINUTES.

1 PRIZE OF \$2000 IS \$2000

1 " " 500 " 500

1 " " 500 " 500

1 " " 280 " 280

20 " " 100 " 2000

20 " " 50 " 1000

80 " " 10 " 800

760 " " 4 " 3040

884 PRIZES, - - - \$10,120

1140 BLANKS,

2024 TICKETS, AT \$5, - \$10,120

ABOUT ONE AND A FOURTH BLANKS TO A PRIZE.

The tickets in this lottery, are formed by the tertiary combination of 24 numbers, from 1 to 24, inclusive; and to determine their fate, the twenty-four numbers will severally be put into a wheel, on the day of drawing, from which, FOUR ONLY WILL BE DRAWN; and that Ticket having on it, as a combination,

The 1st, 2d and 3d numbers drawn, will be entitled to \$2000

The ticket having the 1st, 2d and 4th numbers drawn, will be entitled to 500

That having the 1st, 3d and 4th numbers drawn will be entitled to 500

And that having the 2d 3d and 4th numbers drawn, will be entitled to 280

Those tickets having the 1st and 2d numbers drawn will be entitled to 100

Those having the 1st and 3d numbers drawn will be entitled to 50

All other tickets having either of the two numbers drawn, will be entitled to 10

And all tickets having one of the numbers drawn will be entitled to 4

Those tickets having neither of the four numbers drawn will be BLANKS.

No ticket which shall have drawn a prize of a superior denomination, can be entitled to an inferior prize. Prizes paid the moment they are drawn, and subject as usual, to a deduction of Twenty per cent. Prizes not demanded within four months after the drawing, will be considered as donations.

The highest prize will be paid, in part by fifty tickets in the present lottery, which are now deposited in the United States Bank, subject to the order of the fortunate person who draws it. The two five hundred dollar prizes will be paid, in part, by twenty tickets each in the next class.

Tickets can be obtained at the scheme price, [FIVE DOLLARS] until the 25th inst.—after which they will advance to SIX DOLLARS—therefore, it is recommended, that orders be made immediately; and if for five tickets or upwards, a discount of five per cent will be allowed. Vendors and others, residing at a distance, may rest assured that the same prompt attention will be given to their respective commands for tickets, as if personal application were made. Letters will be addressed [post paid] to James M. Pike, Louisville or Lexington.

It is most earnestly hoped, that the friends to the object which this lottery is intended to promote, will not be backward in making their purchases seasonably; in which event, the public may depend upon this class being drawn within the time above specified.

49—11 J. M. PIKE, Agent.

*Paid to Mr. Younce, in the Court House immediately after the Lottery was drawn

Ohio Cheese and Flour,

50 BBLs best OHIO FLOUR,

30 Casks Western Reserve CHEESE of superior quality, just received and for Sale at the Store of.

G. W. ANDERSON, January 6, 1826.—11

LAW NOTICE.

JAMES SHANNON, Late of Wheeling, Pa. Will practice law in the Circuit and County Courts of Fayette, and the Circuit Courts of Hon. and Teasdale. All business entrusted to him will receive prompt attention. His office is on Short Street. Lex. Dec. 29, 1824.—25-11

Lexington Brewery.

THE subscribers having rented the above establishment for a term of years, will be ready in a few days to supply this Town and the neighboring Towns with

Porter, Beer and Ale,

of superior quality and at reduced prices; orders from the country directed to the BREWERY through the Post-office will be attended to.

CASH paid for Barley on Delivery

—ALSO—

Fifty cords of good wood wanted

MONTMOLIN & DONOHOO.

October 20, 1825—42-11

N. B. All letters must be post paid:

LEXINGTON HOPE FOUNDRY.

Will. H. Delph

HAS commenced the above business in all its branches, opposite the upper end of the Upper Market, where he is ready to make all kinds of

Brass & Iron Castings

On the shortest notice, and on the most reasonable terms.

CASH will be given for OLD COPPER, BRASS, and PEWTER.

Lexington, Oct. 14, 1825.—41-11

CASINGS, FOUNDRY, AND

Grocery Store.

Joseph Bruen,

MAIN STREET,

HAS just received the following GOODS, viz:

SHOES FOR CHILDREN, pegged and not pegged;

From Philadelphia, a complete assortment of

GARDEN SEEDS,

—ALSO—

GROCERIES.

TEA, COFFEE, MUSTARD, INDIGO, SUGAR, PEPPER, STARCH, CHOCOLATE, ALSPICE, CHEESE, RAISINS, HONEY, CINNAMON, SOAP, FIGS, SALTS, CANDLES,

Spanish and Common CIGARS,

TOBACCO,

Spermaceti OIL for LAMPS,

London Madeira, in Bottles,

Sherry Wine,

Domestic Wine,

Curry Bounce, two kinds,

French Brandy,

OLD Peach Brandy,

Old Whisky,

Cordials, in bottles & by the gallon.

WHOLESALE AND RETAIL,

LIQUID BLACKING,

In boxes do

RAZOR PASTE.

N. B. For the convenience of many, he keeps Coffee ready roasted (in the Patent Cylinder) also, best Pepper and Salt, ready ground. He hopes that the Coffee thus burnt will prove excellent, and far superior to any other, by those who will try it.

There will be a separate list of his Garden Seeds.

JOSEPH BRUEN.

Lexington, Nov. 28, 1825.—48-11

STEAM FOUNDRY.

THE subscriber respectfully informs the public that

"THE LEXINGTON STEAM FOUNDRY"

is now in operation at his old stand back of the Wool

CANARY FACTORY on Water-street opposite the lower

Market where all kinds of CASINGS in IRON or

BRASS will be executed on the shortest notice

WOOL CORDING MACHINES complete made of

the most approved patterns.

BELLS cast to all sizes.

He will also furnish the WROUGHT IRON WORK

and CASINGS in sets for machinery or any part of it

CASH given for old COPPER, BRASS, IRON & PEWTER.

David A. Sayre.

Lexington January 12, 1826.—2-11

YOUNG EAGLE

WILL stand the ensuing Season commencing

4th of March at the Farm of the subscriber

on the Strode's road leading from Lexington to

Winchester, and five miles from the former; for particular see bills.

PARKER DUDLEY.

THE celebrated Jack

SANCHO.

kept formerly by Mr. Joseph

Graves will likewise stand at

the same place. P. D.

January 9th 1826.—2-11

Morocco Manufactory.

THE subscriber respectfully informs the public

that he has commenced the above business in

Lexington on Main Street, and from a long experience

in one of the principal cities in Europe, and the

United States also; he flatters himself he will

produce articles in his line equal to any in the U

nion suitable for Shoe Makers, Hatters, Coach

Makers, Saddlers and Book Binders which he will

sell twenty per cent less than imported skins.

This he hopes will induce the consumers in the

Western Country to give a preference to their own

manufacture.

N. B. A constant supply of letters WOOL of

hand. PATRICK GEGGLEY.

January 13th, 1825.—2-11

MARNIX VIRDEN,



RESPECTFULLY informs his friends in Lexington, as well as visiting strangers, that he has provided himself with

A COMPLETE HACK.

And strong gentle horses, and is now ready to accommodate such as may please to favour him with their visit. He intends driving himself, and from more than four years experience in driving in Lexington, he feels confident that his character as a safe and careful driver has been so well established, as to insure him a full share of public patronage. His residence is on Mill-street, near the Lexington Steam Mill, where those who wish his services will please apply. Lexington, July 29th, 1825.—30-11

Journeymen Blacksmiths.

I will give liberal wages to a few journeymen, well acquainted with the Blacksmith's business, and who can come well recommended.

JOHN EADS.

Lexington March 24, 1825.—12-11

Transylvania University.

Medical Department.

THE Introductory Lectures will commence on Monday next, in the Chapel of the University, at 12 o'clock, and will be continued throughout the week at the same hour. The friends of Science are respectfully invited.

DR. DUDLEY, on Monday.

DR. CALDWELL, on Tuesday.

DR. DRAKE on Wednesday.

DR. RICHARDSON, on Thursday.

DR. BLYTHE, on Friday.

DR. SHORT, on Saturday.

DANIEL DRAKE, M. D. Dean.

Oct. 31, 1825.—44-11

CABINET WAREHOUSE.

THE subscribers having united in carrying on the Cabinet Business, under the firm of

WILSON & HENRY,

Take this opportunity of informing the public, that they occupy the same stand for so many years in possession of Robert Wilson. His Shop has been rebuilt, and is well stocked with tools and workmen of the best kind. The firm has had in an excellent stock of MAHOGANY, as well as every other material necessary for their business, and they can safely say, that they are prepared to execute with neatness and dispatch, any order in their line.

They will in a short time, have a large assortment of Sideboards, Bureaus, Bedsteads &c. finished, and will be glad to see their friends call and examine for themselves.

Mattresses,

Made at the shortest notice, and in superior style.

ROBERT WILSON,

JOHN HENRY.

Lexington, Sept. 1st, 1825.—33-11

\$50 REWARD.

I will give the above reward in notes of the Commonwealth's Bank, for the apprehension and conviction of the person, who broke into my store-room in the town of Versailles, on the night of the thirtieth inst and took out of my money drawer about two hundred dollars, principally in tickets issued by the subscriber, the greater portion of which were seventy-five and sixty two and a half cents notes. Persons holding tickets for the above sums are requested to bring them in and exchange them for their tickets, or to receive the commonwealth's notes for them. The public are desired to observe particularly of whom they receive tickets of the above denomination issued by

DANIEL PRICE

Versailles Ky Jan 20 1825.—3-11

LAW NOTICE.

J. M. McCalla and J. O. Harrison,

HAVE united in the practice of the law, in the Fayette and Jessamine courts. Their office is kept at the corner of short and upper streets, opposite the public square. In the room lately occupied by Dr. Warfield; where one or both may at all times be found.

Lexington Dec 8, 1815.—49-11

Iron and Castings.

RED River and Slate Iron works are now in operation, a constant supply of Iron of the first quality, and a general assortment of Castings will be constantly kept, in the old Iron Store, on short street below the Jail—by

WILLIAM MACBEAN Agent

For RICHARD HAWES.

January 5 1826.—11

WILLIAM W. WORSLEY,

has removed

TO Jordan's Row, first door above the REFOR-

TER printing office, where he has on sale, a general assortment of BOOKS & STATIONARY.

He expects to receive, in a few days, a quantity of RECORD PAPER, of superior quality, when he will be enabled to execute orders for BLANK WORK in a satisfactory manner. LETTER-PRESS PRINTING, as heretofore, neatly executed.

Jan 19, 1826.—3-11

WHEAT.